

Non-Compliance Reporting for Construction Activities

The Caltrans Statewide Storm Water Management Plan (SWMP) defines the Best Management Practices (BMPs) to be used during construction activities for compliance with the Statewide National Pollutant Discharge Elimination System (NPDES) Permit (Permit) under which it operates.

If a non-compliant condition is identified on a project, the incident must be reported to the Regional Water Quality Control Board (RWQCB), as defined in Section 9.3 of the SWMP.



The sediment discharge to this drain inlet must be reported to the RWQCB within five days of discovery.

Reporting Requirements

If the RE observes, or is informed of, a non-compliant condition on the project, he must notify the District Construction Storm Water Coordinator (CSWC) who then notifies the District NPDES Storm Water Coordinator. The NPDES Coordinator is responsible for reporting the incident to the RWQCB and providing any required follow-up reports. Since District procedures may vary, the RE should confirm proper procedures with the NPDES Coordinator.

The RE may provide initial notification to the CSWC verbally and submit written follow-up reports as requested. Typical notification includes a description of the non-compliant condition, actual/potential impacts to receiving waters, corrective measures taken, long-term measures needed, and implementation schedule.

The RE should notify the CSWC promptly to ensure that the information is reported to the RWQCB within the following required timeframes:

- The most severe instances of noncompliance require *immediate* reporting to the RWQCB (within 24 hours of discovery).
- Less severe incidents must be reported within *five working days* of the discovery.
- Minor incidents not previously reported, are included in the Annual Report.

24-Hour Reporting

The NPDES Coordinator must report the following non-compliant conditions to the RWQCB within 24 hours:

- Discharges of permitted storm and non-storm water that result in a serious violation or a serious threatened violation of the Permit
- Discharges of prohibited non-storm water that may endanger health or the environment
- Discharges of spills of petroleum products, hazardous waste or toxic chemicals
- Discharges due to failed/damaged BMP controls that result in a *serious violation* of the Permit

A discharge of any quantity is considered a serious violation of the Permit if the resulting adverse impact to the environment requires immediate action to stop the discharge and its impacts, or the discharge requires notification to protect human health and safety. Examples of serious violations include, but are not limited to, discharges that:

- Cause excessive stream bed/bank erosion or excessive sedimentation or turbidity of the receiving water
- Contain toxic or hazardous materials/waste
- Have strong or lingering odors
- Are toxic to fish or aquatic species

A discharge is a serious threatened violation if it meets the above criteria, but did not reach receiving waters.

For these types of incidents, the NPDES Coordinator must provide the RWQCB with a written follow-up report no later than 24 hours after the initial notification.

Five Day Reporting

Discharges that violate permit conditions, but do not result in immediate danger to the environment or human health or safety,

must be reported to the RWQCB by the NPDES Coordinator within five working days. This includes the following non-compliant conditions:

- Non-storm water discharges that are neither authorized *nor* exempted by the Permit and do not result in a *serious violation*
- Discharges that violate the narrative or numeric prohibitions/limitations of the Permit (see Caltrans Permit for details)
- Discharges that violate the 404 permits or 401 certifications
- Discharges due to failed/damaged BMP controls that do not result in a *serious violation*
- Failure to submit documents or materials as required by the Permit or the SWMP

For these types of incidents, the NPDES Coordinator must provide the RWQCB with a written follow-up report within 30 days of the initial notification.

Annual Reporting

Minor incidents that do not result in a discharge, and that that were not previously reported to the RWQCB, are included in the Annual Report, as described in Section 9.2 of the SWMP. An improperly installed BMP that was corrected prior to a rain event and resulted in no discharge is considered a minor non-compliance condition. These conditions are normally documented in a compliance review.

